IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

WP(C).No. 21855 of 2007(B)

CMP.2300/2007 of J.M.F.C.-II,PERINTHALMANNA

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PETITIONER:

E.K.SATHI, W/O.RAVEENDRAN,
EDAKKANDATHIL HOUSE, PANTHALLUR,
MALAPPURAM DIST.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS:

1. THE STATE OF KERALA REPRESENTED BY
   THE SUB INSPECTOR OF POLICE, PANDIKKAD POLICE
   STATION- THROUGH THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31.

2. THE SPECIAL TAHSILDAR, TALUK OFFICE,
   PERINTHALMANNA, MALAPPURAM DISTRICT.

3. ADD.R3. THE DISTRICT COLLECTOR,
   MALAPPURAM.
   (ADDL.R3 IMPLEADED AS PER ORDER IN
   CRL.M.A.NO.3417/07 DATED 12/07/07).

BY G.P. SHRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.21855 of 2007

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Dated this the 24th day of October, 2007

J U D G M E N T

This writ petition was originally filed as a Crl. M.C. to quash Annexure B order of the J.F.C.M.-II, Perinthalmanna. The same came up before the court dealing with criminal matters. The issue involved in this writ petition is release of lorry bearing registration No.KL-10F 7782 seized by the Sub Inspector of Police, Pandikkad Police Station, on 18.5.2007. The Magistrate Court rejected the petition for release of the lorry on the ground that the seizure was not reported to that court. Therefore, the court before which the Crl.M.C. came up, was of the opinion that this is not a criminal matter, but coming within the purview of the miscellaneous writ petitions. In such circumstances, Crl.M.Appl.No.3364/2007 was filed for conversion of the Crl.M.C. into a writ petition. The same was allowed on 9.7.2007. It is accordingly, this writ petition is coming up before me. Now the only prayer in this writ petition is to direct the additional third respondent to give interim custody of the vehicle.

2. This matter was earlier heard on 12.7.2007, on which date judgment was pronounced directing release of the vehicle on

conditions. However, by mistake the judgment was shown as in the Crl. M.C. itself. When this was pointed out, the matter was posted for *to-be-spoken-to* on 24.10.2007. Thereafter a revised judgment correcting the mistake was pronounced as follows:

3. I have heard the learned Government Pleader also.

4. In the facts and circumstances of the case, pending final orders by the additional 3rd respondent there would be a direction to the additional 3rd respondent to give interim custody of the vehicle to the petitioner on condition that the petitioner deposits an amount of Rs.25,000/- and produces proof of ownership of the vehicle. This is subject to the further condition that the petitioner shall not alienate or otherwise part with possession of the vehicle till the additional 3rd respondent passes orders in the matter.

The correction in the judgment shall not affect any proceedings taken based on the earlier judgment showing as order in the Crl.M.C.

The writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.